

rejection. As such, due to the insufficiency of the rejections, Applicants are unable to formulate a substantive response.

B. Rejections Under 35 U.S.C. §102

The Examiner has rejected claims 1-4, 6-7 and 27-28 under 35 U.S.C. §102(a) and (e) as being anticipated by U.S. Patent No. 6,246,996 issued to Stein, et al. ("Stein"). Applicants respectfully traverse this rejection. It is well known that when rejecting claims, an Examiner must direct an applicant to the relevant portions of cited art and explain the applicability of the pertinent portions of cited art to an applicant's claims. ("In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified." 37 C.F.R. §1.104(c)(2)) In this rejection the Examiner makes a single, simple statement that claims 1-4, 6-7 and 27-28 are clearly anticipated by Stein without providing any specific references to where in Stein any of the limitations recited in the claims are taught. Applicants hereby request that the Examiner cite those portions of Stein which the Examiner asserts teach the invention claimed by Applicants. Because of the complete failure of the Examiner to provide any specific references to Stein in support of this rejection, Applicants cannot formulate a substantive response to this rejection. Because the Examiner has utterly failed to provide any specific citations to Stein in support of this rejection, the Examiner has failed to establish a *prima facie* case of anticipation. (37 C.F.R. §1.104(c)(2)) Claims 1-4, 6-7 and 27-28 are therefore patentable over Davis.

C. Rejections Under 35 U.S.C. §103

Claims 5, 8-26 and 29-39 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Stein in view of either U.S. Patent No. 5,819,226 issued to Gopinathan ("Gopinathan") or U.S. Patent No. 6,094,643 issued to Anderson, et al. ("Anderson"). Applicants respectfully traverse this rejection.

In making an obviousness rejection, the Examiner is required to sufficiently communicate the basis for the rejection, including specific citations to the referenced art. ("[T]he examiner should set forth in the Office action: (A) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s)." MPEP §706.02(j)). The Examiner has failed to meet the burden of proof required to establish a *prima facie* obviousness rejection. All the Examiner does in this rejection is refer to Stein and assert that those limitations not taught by Stein are disclosed in Gopinathan or Anderson. The Examiner


wholly fails to cite any portions of Stein, Gopinathan and Anderson to support the Examiner's assertion that Claims 5, 8-26 and 29-39 are rendered obvious by the referenced art. As such, the Examiner fails to explain how the referenced art teaches or suggests any of the limitations recited in Claims 5, 8-26 and 29-39. Applicants hereby request that the Examiner clearly communicate those limitations of the claims taught or suggested in the referenced art. (See MPEP §706.02(j)). Because the Examiner has utterly failed to provide citations to where any of the claimed limitations are taught or suggested in the referenced art, Applicants cannot substantively respond to this rejection. Because the Examiner has failed to establish a *prima facie* case of obviousness, claims 5, 8-26 and 29-39 are patentable over the referenced art.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance, and such action is earnestly solicited at the earliest possible date.


Respectfully submitted,
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on January 3, 2002.


Margaux Rodriguez January 3, 2002